

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Art Unit : 3753
Examiner : Jeremy S. Baskin
Appellant : Stefan Hein
Appln. No. : 10/574,867
Filing Date : April 6, 2006
Confirmation No. : 5083
For : LOCK VALVE IN PARTICULAR FOR A STRIP PROCESSING
UNIT

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPELLANT'S REPLY UNDER 37 C.F.R. § 1.193

This is in reply to Examiner's Answer dated as mailed July 30, 2010.

Item (1):

The Examiner has no comment on this statement in the Appeal Brief.

Items (2-3):

The Examiner has agreed that this item is acceptable as listed in the Appeal Brief.

Items (4-7):

The Examiner has no comments on these statements in the Appeal Brief.

Item (8): Evidence Relied Upon

The Examiner has correctly listed the references used to reject the claims in the present application.

Item (9): Grounds of Rejection

In the Appeal Brief, Appellant indicated that claim 25 has been rejected under 35 U.S.C.

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§103(a) as being unpatentable over U.S. Patent No. 3,351,348 to Dupuis in view of U.S. Patent No. 4,808,444 to Yamazaki et al. and U.S. Patent No. 3,807,058 to Seminski. In the Examiner's Answer, the Examiner apparently omitted a reference to U.S. Patent No. 4,808,444 to Yamazaki et al. in the rejection of claim 25 as the body of the Examiner's Answer indicates that claim 25 was rejected over three references: U.S. Patent No. 3,351,348 to Dupuis in view of U.S. Patent No. 4,808,444 to Yamazaki et al. and U.S. Patent No. 3,807,058 to Seminski.

Item (10) Reply to Examiner's Grounds of Rejection and Arguments:

The Appellants' Appeal Brief stands, and is incorporated herein in its entirety. The following comments are intended to directly reply to the Examiner's Answer.

After a review of the Examiner's Answer, Appellants believe that the Examiner has maintained his rejection of the claims because of a misreading of U.S. Patent No. 4,808,444 to Yamazaki et al. and a misunderstanding of the results of the combination of the references made by the Examiner.

In the rejection of claims, the Examiner states that it is obvious to combine the U.S. Patent No. 4,808,444 to Yamazaki et al. (herein afterward referred to as "the Yamazaki et al. '444 patent") with U.S. Patent No. 3,351,348 to Dupuis (herein afterward referred to as "the Dupuis '348 patent") because the Dupuis '348 patent is concerned with forming a seal and the Yamazaki et al. '444 patent forms a seal. However, the Yamazaki et al. '444 patent does not form any seal.

The Yamazaki et al. '444 patent discloses a system wherein a roller 1 having a web 3 thereon is moved towards a suction chamber 4 having a coating composition thereon for coating the web 3. The coating composition is applied to the suction chamber 4 by allowing the coating composition to exit a slide hopper 2 through slots 13 and thereafter flow onto the suction chamber 4. The suction chamber 4 is not disclosed as forming any seal between the suction chamber 4 and the web 3. The suction chamber 4 applies pressure to the coating composition in order to stably and speedily form beads of the coating composition. See lines 51-58 of column 3 and lines 48-68

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of column 4 of the Yamazaki et al. '444 patent. The web 3 is moved towards the suction chamber 4 in order to coat the web 3, not to make a seal between the suction chamber 4 and the web 3. Therefore, the Examiner is incorrect in the Examiner's Answer where it is stated that the Yamazaki et al. '444 patent teaches moving a roller to provide a seal and therefore it is obvious to combine the references. The Yamazaki et al. '444 patent teaches moving a roller for the sole purpose of coating a web 3 on the roller 1. Accordingly, Appellants submit that it is not obvious to combine the references for the above reason along with the reasons presented in the Appeal Brief.

In response to Appellant's argument that it is not obvious to combine the references because the Dupuis '348 patent teaches away from depositing any material onto the webs 38 and 39 before they enter the vacuum metallization chamber 5, the Examiner states on Page 5 of the Examiner's Answer that Appellant's argument that any such deposition of material onto the webs 38 and 39 directly before they enter the vacuum metallization chamber 5 for coating would diminish any coating capabilities of the system within the vacuum metallization chamber 5 is speculation. However, the Dupuis '348 patent teaches that an inert gas is used in the sealing box 17 and the chamber 5 to promote bright metallization. See lines 59-75 of column 4 and lines 1-2 of column 5 of the Dupuis '348 patent. Moreover, if an inert gas was not used, it would interact with the coating in the chamber 5 to the detriment of the coating process. As the Examiner correctly points out in the Examiner's Answer, "[i]f the coating process of the web of Yamazaki is not desired, then one of ordinary skill in the art would not incorporate it into the prior art of Dupuis if it were to lead to the detriment of the web." Pages 5-6 of the Examiner's Answer.

In the rejection of claims 28 and 29, the Examiner states that the Yamazaki et al. '444 patent includes moving a seal body because roller 1 is moved between positions by a power drive 5, 6, 7 to space the roller from the web and therefore a combination of the references includes the subject matter of claims 28 and 29. However, a combination of the references as set forth by the Examiner does not include any power drive from the Yamazaki et al. '444 patent. Therefore, a

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combination of the references as set forth by the Examiner would not include all of the features of claims 28 and 29.

Finally, in regard to the rejections of claims 30 and 39, the Examiner relies on element 30 of the Dupuis '348 patent to reject the claims. However, element 30 of the Dupuis '348 patent would not be any part of a combination of the references as element 30 would be replaced in order to result in the combination proposed by the Examiner. Therefore, claims 30 and 39 are in condition for allowance because a combination of the references would not include all of the features of these claims.


Conclusion

Each claim recites features that are not disclosed in any of the cited references and it would not have been obvious to modify the cited references to include the recited features of the appealed claims. The references upon which the Examiner relies in the Examiner's rejection of the claims does not disclose or make obvious an air-lock valve and a processing plant for traversing band-like substrates as claimed. Appellant's invention resolves problems and inconveniences experienced in the prior art, and therefore represents a significant advancement in the art. Appellant earnestly requests that the Examiner's rejection of claims 14-20 and 22-42 be reversed, and that the application be passed to allowance forthwith.

Respectfully submitted,

September 30, 2010

Date



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